IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.K.DENESAN

FRIDAY, THE 15TH DECEMBER 2006 / 24TH AGRAHAYANA 1928

WP(C).No. 27564 of 2006(F)

PETITIONER:

DR.M.K.GOURIKUTTY,
SUPERINTENDENT GENERAL HOSPITAL,
THIRUVANANTHAPURAM (RTD.),
RESIDING AT MANGALATHU MADOM, KAVIYOOR P.O.,
THIRUVALLA, PATHANAMTHITTA DISTRICT.

BY ADV. SRI.R.SANTHOSH BABU

RESPONDENTS:

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1. STATE OF KERALA,
REP. BY SECRETARY,
DEPARTMENT OF HEALTH, GOVT. OF KERALA,
SECRETARIAT, THIRUVANANTHAPURAM.

2. THE ACCOUNTANT GENERAL (A&E) KERALA,
THIRUVANANTHAPURAM.

3. THE DIRECTOR OF HEALTH SERVICES,
THIRUVANANTHAPURAM.

4. THE SUPERINTENDENT GENERAL HOSPITAL,
THIRUVANANTHAPURAM.

5. THE TREASURY OFFICER,
SUB TREASURY,
THIRUVALLA.

BY GOVERNMENT PLEADER SHRI. BIJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 15/12/2006, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.K.DENESAN, J.

WP(C)No. 27564 OF 2006

Dated this the 15th December, 2006.

JUDGMENT

The petitioner has retired from service while working as the Superintendent of the General Hospital, Thiruvananthapuram. She had rendered 27 years of service, but consideration of her claim for terminal benefits has been postponed on the wrong impression that certain judicial proceedings are pending against her.

2. A statement has been filed on behalf of the Deputy Superintendent of Police, Vigilance and Anticorruption Bureau, Thiruvananthapuram. It is conceded that crime No: 66/97 registered under Sections406, 409, 468, 471 and 34 IPC does not show the name of the petitioner among the array of accused. On the other hand, her name is included in the list of witnesses. Paragraph 3 of the statement reads as follows:-

> "It is humbly submitted that the petitioner (Dr.Gourikutty) formerly Superintendent, General Hospital, Thiruvananthapuram is not an accused in VC.3/98/TVM. She is only a witness in this case. As such, there is no vigilance case/vigilance enquiry pending against Dr.Gourikutty."

3. In the light of the above fact the petitioner is perfectly justified in stating that the respondents are

bound to disburse the DCRG due to her without any delay.

4. In the result the writ petition is disposed of directing the respondents to disburse the DCRG due to the petitioner within one month on the petitioner producing a copy of this judgment before the third respondent Director of Health Services. Since a vigilance case was pending investigation and some time was taken for the vigilance to collect materials and to ascertain the truth of the allegations, I do not think that this is a fit case where the respondents should be directed to pay interest. The time limit stipulated above shall be adhered to, strictly.

K.K.DENESAN
Judge

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